

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHAWN CARTER,

Plaintiff,

- against -

HIGHLAND CAPITAL MANAGEMENT, L.P.
and NEXTBANK SSB,

Defendants.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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10 Civ. 0854 (RMB)

ORDER OF DISCONTINUANCE

Based upon Plaintiff's letter, dated October 15, 2010, indicating that a "settlement will be finalized within the next couple weeks, and none of the open issues require intersessions of the Court," it is hereby

ORDERED, that the settlement conference scheduled for October 18, 2010 is vacated;
and it is further

ORDERED, that the above-entitled action be, and the same hereby is, discontinued;
provided, however, that the Plaintiff or Defendants may apply, on or before November 1, 2010
(noon), by letter showing good cause why this action should be restored to the calendar of the
undersigned.

Dated: October 15, 2010
New York, New York


RICHARD M. BERMAN, U.S.D.J.